

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

SEAN SACCO

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CRIMINAL DOCKET
NO. 04 – 10231 (MLW)

**DEFENDANT SEAN SACCO'S
MOTION FOR FREE FUNDS FOR COPY OF RULE 11 HEARING TRANSCRIPT**

Now comes the defendant, Sean Sacco, in the above-captioned matter and respectfully moves this Honorable Court, to grant him funds to obtain a copy of the transcript of the Rule 11 hearing proceedings held on June 15, 2006.

As reason therefore the Defendant says that the preparation of the Rule 11 hearing transcript is essential to his lawyer's ability to adequately address the sentencing concerns posed in *United States v. Booker* and *United States v. Fanfan*, -- U.S. -- , 125 S.Ct. 738 (2005) and to assure him a competent defense with competent advice from his lawyer.

The Defendant further attaches an Affidavit from his lawyer in support of the motion

Respectfully submitted,

/s/ William M. White, Jr.
WILLIAM M. WHITE, JR.
BBO#: 546283
Davis, Robinson & White, LLP
One Faneuil Hall Marketplace, 3rd Floor
Boston, MA 02109
(617) 723-7339

AFFIDAVIT OF COUNSEL IN SUPPORT OF
DEFENDANT SEAN SACCO'S MOTION FOR FUNDS FOR TRANSCRIPT

I, William M. White, Jr., do hereby depose and say the following:

1. I represent the defendant, Sean Sacco, in the case of *United States v. Peter Maggio, et al, 04-10231 (MLW)*.
2. On June 15, 2006, a Rule 11 hearing was held before the Court wherein the government made representations as to the offense conduct.
3. An issue has arisen with regards to the offense conduct alleged by the government that will bear on sentencing.
4. Review of the transcript will assist the defendant and his lawyer in resolving the issue.
5. Counsel needs the requested transcript to adequately prepare for sentencing.
6. Counsel cannot adequately prepare for sentencing without a transcript.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 23rd DAY OF
OCTOBER, 2006.

/s/ William M. White, Jr.
WILLIAM M. WHITE, JR.

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

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SEAN SACCO

CERTIFICATE OF SERVICE

I, William M. White, Jr., hereby certify that on this October 23, 2006, I have served a true copy of the above **Defendant's Motion Funds for Transcript** upon counsel of record by e-filing this date and by a courtesy copy to Dennis O'Leary, Courtroom Clerk to the Honorable Mark L. Wolf, by mail and electronic filing.

/s/ William M. White, Jr.
William M. White, Jr.

DATE: October 23, 2006